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20 **UNITED STATES DISTRICT COURT**
21 **NORTHERN DISTRICT OF CALIFORNIA**
22 **(SAN FRANCISCO DIVISION)**

23 WALTER SPURLOCK and ANDRE
24 GUIBERT,
Plaintiffs,

v.

1 CITY AND COUNTY OF SAN
2 FRANCISCO, AIRPORT COMMISSION OF
3 THE CITY AND COUNTY OF SAN
4 FRANCISCO, KEABOKA MOLWANE in
5 his individual capacity and official capacity as
6 Aviation Security and Regulatory Compliance
7 Officer at the San Francisco International
8 Airport, and JEFF LITTLEFIELD in his
9 individual capacity and official capacity as
10 Chief Operating Officer at San Francisco
11 International Airport,

Defendants.

Case No. 3:23-cv-4429
Jury Trial Demanded

**DECLARATION OF SAMUEL A.
SEHAM IN SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER PORTIONS OF
PLAINTIFFS' SECOND AMENDED
COMPLAINT SHOULD BE SEALED**

Action Filed: August 28, 2023

**ADMINISTRATIVE MOTION TO CONSIDER WHETHER PORTIONS OF
PLAINTIFFS' SECOND AMENDED COMPLAINT SHOULD BE SEALED**

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1. I am an associate at Seham, Seham, Meltz & Petersen, LLP, 199 Main Street, White Plains, NY (10601), and counsel for Plaintiffs Walter Spurlock and Andre Guibert. I have personal knowledge of the facts stated herein and, if called upon, I could and would testify competently thereto under oath.

2. Pursuant to Civil Local Rule 79-5(c)(1), I respectfully submit this statement in support of Plaintiffs' Administrative Motion to Consider Whether Portions of Plaintiffs' Second Amended Complaint Should Be Sealed. I have personal knowledge of the facts stated herein and, if called upon, I could and would testify competently thereto under oath.

3. The decision to seal records is left to the discretion of the district court. *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995) (citing *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 599 (1978)). Courts apply a "compelling reasons" standard, especially when considering motions to seal pleading documents. *See Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)); *Pardi v. Tricida, Inc.*, No. 21-cv-00076-HSG, 2023 U.S. Dist. LEXIS 168633, at *6 (N.D. Cal. Sep. 21, 2023) (collecting cases). "This standard derives from the common law right 'to inspect and copy public records and documents, including judicial records and documents.'" *Id.* (quoting *Kamakana*, 447 F.3d at 1178). "[A] strong presumption in favor of access is the starting point." *Kamakana*, 447 F.3d at 1178 (quotations omitted). *Green Renewable Organic & Water Holdings, LLC v. Bloomfield Invs., LLC*, No. 21-cv-07181-HSG, 2023 U.S. Dist. LEXIS 200954, at *1-2 (N.D. Cal. Nov. 8, 2023)

4. The documents attached hereto is a true and correct copy of Plaintiffs' Second Amended Complaint, which reflects information that has been designated "Confidential" by

1 Defendants, and Second Amended Complaint Exhibit G, which has been designated
2 “Confidential” by Defendants.

3 5. Plaintiffs have also filed a sealed version of a redlined Second Amended Complaint
4 to the extent it assists the Court. They do not request that the redlined version appear on the public
5 docket. An unredacted redlined version of the Second Amended Complaint has been shared with
6 Defendants counsel.

7 I declare under the penalty of perjury under the laws of the United States of America that
8 the foregoing is true and correct.

9 Executed in White Plains, New York on February 2, 2024.

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11 By: /s/ Samuel A. Seham
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